P.R. No. 476/07 Ajay Bazaz
Presented by Ajay Bazaz
dated 07/12/07

(3)

Ur-152

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: C.G.

Civil Revision No. 20 **/2007**

Single Bench

APPELANT : Lalit Kumar S/o Ramchandra, aged about 35 years
R/o Purani Basti, Korba, Tahsil & District Korba (C.G.)

Versus

Respondents:

1) Kamla Bai Wd/o Ramprasad, Caste Brahman
2) Ramchandra S/o Bushan Lal, Caste Brahman

Both resident of Purani Basti Korba, Tahsil & District Korba (C.G.)

CIVIL REVISION UNDER SECTION 115 OF THE CPC

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. No. 20 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19/02/2007 Shri Ratan Pushty, counsel for the applicant. Heard on admission. The applicant is aggrieved by order dated 01.12.2006 passed by Additional District Judge, Korba in Miscellaneous Civil Appeal No. 04/2005 whereby the order dated 15.12.2004 passed by the Civil Judge, Class-II, Korba in Execution Case No. 29-A/1991 was affirmed. Brief facts are that a decree for possession was passed in favour one Kamla Bai and against one Ramchandra in Civil Suit No. 29-A/1991. The decree was put to execution. In execution of the decree, possession was delivered to the decree holder on 03.07.1992. After delivery of possession to the decree holder, the objector filed an application under Section 151 of C.P.C. on the basis of an unregistered document dated 21.6.1983. The executing Court after conducting an enquiry passed a reasoned order dismissing the application under Section 151 of C.P.C. The applicant/objector preferred M.C.A. No. 04/2005. The learned Additional District Judge, affirmed ~~that~~ the order passed by the Executing Court. I have perused the order passed by the Executing Court. Application under Section 151 of C.P.C. ought to have been filed under Order 21 Rule 99 sub-rule (2) of C.P.C. The said order was passed after detailed enquiry and is a reasoned order. There is nothing on record to show that the learned Executing Court exercised a jurisdiction not vested in it by law, or failed to exercise a jurisdiction so vested, or acted in the exercise of its jurisdiction illegally or with material irregularity. I am of the considered opinion that this Revision	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक C.R. No. 209 **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	has no substance and deserves to be dismissed at the stage of admission. Accordingly, this Civil Revision is dismissed at the stage of admission. In view of above, M.(C).P. No. 307/2007 for grant of injunction also stands dismissed. Learned counsel for the applicant prays for liberty to file a fresh Civil-suit. The applicant is at liberty to take recourse to such remedy as may be available to him under law. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	-2-

Kvr